

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAMANTHA RAJAPAKSE,  
  
Plaintiff,

v.

TRUEBLUE et al.,  
  
Defendants.

CASE NO. C22-5785-KKE

ORDER ON PENDING MOTIONS

This matter came before the Court on several motions by Plaintiff Samantha Rajapakse. Dkt. Nos. 32, 59, 61, 64, 78-79, 81-82. For the reasons below, the Court DENIES the motions.

**I. BACKGROUND**

Ms. Rajapakse filed a complaint against Defendants TrueBlue and PeopleScout in November 2022 alleging various forms of employment discrimination based on age and disability. *See* Dkt. No. 7. After filing and withdrawing a motion to stay (Dkt. Nos. 11, 13, 14, 22), Ms. Rajapakse filed a motion for preliminary injunction (Dkt. Nos. 15, 17), motion to seal (Dkt No. 29) and various exhibits. Ms. Rajapakse also moved for default judgments on Defendants which the Clerk denied for lack of proper service. Dkt. Nos. 51, 42. Ms. Rajapakse filed a motion for

1 reconsideration. Dkt. No. 54. In February 2023, the Court resolved all these motions in a  
2 combined order. Dkt. No. 60.

3 The Court now addresses Ms. Rajapakse's motions to compel (Dkt. Nos. 32, 78, 79),  
4 motion to strike answer (Dkt. No. 69), motion to appeal (Dkt. No. 64), motion for leave to amend  
5 the complaint (Dkt. Nos. 78, 79), motion to seal (*id.*), and motions regarding the United States  
6 Attorney General (Dkt. Nos. 81, 82). The Court will discuss each pending motion in turn.

## 7 II. DISCUSSION

### 8 A. The Motion to Compel is Denied.

9 On January 12, 2023, Ms. Rajapakse filed a thirteen-page document labeled "Motion to  
10 Compel EEOC to Freedom of Information Act." Dkt. No. 32. The filed document appears to be  
11 a new complaint against TrueBlue D/B/A PeopleScout and the Equal Employment Opportunity  
12 Commission ("EEOC"). *Id.* The EEOC is not named as a defendant in the operative complaint.  
13 *See* Dkt. No. 7. Neither Ms. Rajapakse's effort to serve a summons on the EEOC (Dkt. No. 18),  
14 nor her excerpt of an email thread with the EEOC (Dkt. No. 45), nor modification of the caption  
15 to include the EEOC formally added the EEOC as a defendant to this action. To the extent Ms.  
16 Rajapakse seeks to amend her complaint to add the EEOC as a defendant now, her filing fails to  
17 comply with Local Civil Rule 15. *See infra* at § E(3). If Ms. Rajapakse seeks to compel the EEOC  
18 to produce documents or information, Ms. Rajapakse has not provided demonstrable evidence that  
19 she requested any information from the EEOC, as a defendant or a third party, thus the Court  
20 DENIES Ms. Rajapakse's motion to compel. Dkt. No. 32.

### 21 B. The Motion to Strike Defendants' Untimely Answer is Denied.

22 Ms. Rajapakse moves to strike Defendants' answer as untimely under Federal Rule of Civil  
23 Procedure 6(a) and Local Civil Rule 7.1. The Court's prior orders denying Ms. Rajapakse's  
24 request for entry of default against Defendants and denying her motion for reconsideration have

1 already resolved this dispute. *See* Dkt. Nos. 51, 60. Ms. Rajapakse ignores these Orders and  
2 continues to file letters, exhibits, appeals, and motions arguing Defendants’ answer was untimely  
3 because it was filed more than 21 days after she emailed and mailed the complaint to TrueBlue’s  
4 in-house counsel. *See* Dkt. Nos. 53–55. As this Court already ruled, Defendants’ answer was  
5 timely. *See* Dkt. Nos. 51, 60. Accordingly, the Court DENIES Ms. Rajapakse’s motion to strike  
6 Defendants’ untimely answer. Dkt. No. 59.

7 **C. The Motion to Recuse is Denied.**

8 On February 7, 2023, the same day the Court denied many of Ms. Rajapakse’s motions,  
9 Ms. Rajapakse filed a motion under Federal Rule of Civil Procedure 24 seeking the intervention  
10 of Chief Judge David G. Estudillo and the recusal of Judge Richard A. Jones, who was previously  
11 assigned to this case. *See* Dkt. No. 61. Ms. Rajapakse also sent a letter to Chief Judge Estudillo  
12 requesting his intervention in this case. Dkt. No. 68. Because this case was subsequently  
13 transferred to a different judge, the motion to recuse Judge Jones and accompanying requests to  
14 Chief Judge Estudillo are DENIED as moot. Dkt. No. 61.

15 **D. The Interlocutory Motion for Leave to Appeal is Denied.**

16 On February 15, 2023, Ms. Rajapakse filed a motion seeking permission to appeal the  
17 Court’s order (Dkt. No. 60) under Federal Civil Rule of Procedure 9. Dkt. No. 64. Ms. Rajapakse  
18 filed multiple motions and appeals directed to the Ninth Circuit Court of Appeals and was assigned  
19 case numbers 23-35126 and 23-70087. Dkt. Nos. 65–67, 69, 70–72, 74–76. On June 29, 2023,  
20 the Ninth Circuit denied the relief requested in Ms. Rajapakse’s appeal number 23-70087. Dkt.  
21 No. 77. And on September 7, 2023, the Ninth Circuit dismissed Ms. Rajapakse’s 23-35126 appeal  
22 for failure to file an opening brief. Dkt. No. 84. The Court DENIES as moot Ms. Rajapakse’s  
23 motion for permission to file an appeal because each of Ms. Rajapakse’s appeals has concluded  
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1 and Ms. Rajapakse has not identified any remaining action needed from this Court related to those  
2 appeals.

3 **E. The Motion for Leave to Amend, Motion to Compel Discovery, and Motion**  
4 **for Protection are Denied.**

5 On July 30, 2023, Ms. Rajapakse filed a 41-page combined motion identifying fifteen  
6 issues and seeking four categories of relief.<sup>1</sup> Dkt. No. 78. For the following reasons, the Court  
7 DENIES the combined motion on all points.

8 1. Objection to Defendants' Answer

9 Ms. Rajapakse's objection to Defendants' answer states substantive defenses to a  
10 hypothetical motion to dismiss under Federal Rule of Procedure 12(b). *See* Dkt. No. 78 at 4–6.  
11 Defendants have not filed a dispositive motion under any rule. The Court therefore DENIES Ms.  
12 Rajapakse's objection as premature.

13 2. Motion to Compel TrueBlue

14 Ms. Rajapakse complains of various discovery violations by Defendants. *See* Dkt. No. 78  
15 at 6–12, 21–22. Ms. Rajapakse recites court rules and standards for initial disclosures, expert  
16 testimony disclosures, pretrial disclosures, and trial preparation material. *Id.* at 6–12. She  
17 concludes by referencing Rule 37 and simply states, “The Defendants [have] failed to cooperate  
18 in discovery.” *Id.* at 12. Later in the motion, Ms. Rajapakse lists requests for discovery and why  
19 they are relevant. *Id.* at 21–22. In response, Defendants argue they have not received any “formal”  
20 discovery requests. Dkt. No. 80 at 6.

21 Because Ms. Rajapakse has not shown what discovery she requested from Defendants nor  
22 identified any deficiencies in Defendants' responses to the requests, the Court DENIES Ms.  
23 Rajapakse's motion to compel. If Ms. Rajapakse files another motion under Federal Rule of

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24 <sup>1</sup> Ms. Rajapakse filed a seemingly identical motion on July 31, 2023. *See* Dkt. No. 79. The Court will consider these two motions together but will only cite to the first-filed document.

1 Procedure 37 alleging Defendants have failed to cooperate in discovery, she must include a  
2 certification of good faith conferral as required by court rules. *See* Fed. R. Civ. P. 37(a)(1); Local  
3 Civil Rule 37(a)(1).

### 4 3. Motion for Leave to Amend Complaint

5 Ms. Rajapakse refers to amending her complaint throughout her combined motion. Dkt.  
6 No. 78 at 17–21, 24–31.

7 The deadline to join parties was February 10, 2023, and the deadline to amend pleadings  
8 was August 30, 2023. Dkt. No. 36. Ms. Rajapakse timely filed her request to amend her complaint.  
9 But she failed to comply with Local Civil Rule 15, which requires attaching “a copy of the  
10 proposed amended pleading as an exhibit to the motion or stipulated motion. The party must  
11 indicate on the proposed amended pleading how it differs from the pleading that it amends by  
12 bracketing or striking through the text to be deleted and underlining or highlighting the text to be  
13 added.” This rule is not a mere technicality but an important requirement to help ensure the parties  
14 and the Court understand exactly what the movant seeks to amend. Without a copy of the proposed  
15 amended pleading to review, the Court cannot substantively evaluate Ms. Rajapakse’s motion.

16 The Court DENIES the motion to amend the complaint without prejudice, subject to  
17 refile in compliance with Local Civil Rule 15. Ms. Rajapakse may refile a motion to amend no  
18 later than October 13, 2023.

### 19 4. Motion to Seal

20 Ms. Rajapakse re-raises her request to seal certain medical records. Dkt. No. 78 at 12, 30,  
21 40. Once again, the Court’s prior order denying Ms. Rajapakse’s December 25, 2022, motion to  
22 seal is instructive. Dkt. No. 60 (order denying the motion to seal); *see also* Dkt. No. 29 (motion  
23 to seal). There, the Court denied the motion to seal for “(1) failing to confer with defense counsel  
24 prior to filing her motion as required by LCR 5(g)(3)(A), (2) failing to provide the Court with a

specific description of the documents she wants to be sealed and/or copies of the documents for the Court's consideration as required by LCR 5(g)(3)(B), and (3) failing to explain why the redaction requirements of LCR 5.2 would not provide a less restrictive alternative." Dkt. No. 60 at 4–5. The same three defects are present in Ms. Rajapakse's new motion to seal. Accordingly, the Court DENIES the motion to seal.

#### 5. Miscellaneous Requests<sup>2</sup>

Under "Issue One," Ms. Rajapakse alleges the court has failed to appoint her a pro se coordinator "as required by the 2009 Pro se Committee Interim [sic] Report." Dkt. No. 78 at 3. This report states no such requirement; the document *recommends* appointing a pro se coordinator for each district, not each pro se litigant. *See* Ninth Circuit Pro Se Implementation Committee, Interim Report (2009).

#### **F. The Motions Related to the United States Attorney General are Denied.**

On August 27, 2023, Ms. Rajapakse filed a motion petitioning this Court to "order the United States Attorney General Department of Civil Rights and Criminal division to review the statements only related to false claims made to EEOC and Homeland Security."<sup>3</sup> Dkt. No. 81 at 13. On September 18, 2023, Ms. Rajapakse filed a 39-page document identified as both a new Motion and a Response. Dkt. No. 85. The Court construes this document as Ms. Rajapakse's reply brief (although untimely and overlength) because it also seeks "review of the United States Attorney General in criminal charges against TrueBlue and PeopleScout and all parties involved."<sup>4</sup> Dkt. No. 85 at 39. Because Ms. Rajapakse does not identify any statute, rule, or doctrine that

<sup>2</sup> Ms. Rajapakse does not identify what, if any, relief she seeks under "Issue Six," "Issue Ten," "Issue Eleven," or "Issue Fifteen." *See* Dkt. No. 78 at 13–17, 22–24, 31–38.

<sup>3</sup> Ms. Rajapakse filed a seemingly identical motion on August 28, 2023. *See* Dkt. No. 82. The Court will consider these two motions together, but will only cite to the first-filed document.

<sup>4</sup> Defendants filed a response brief acknowledging additional briefing was inappropriate while at the same time arguing the procedural and substantive failings of Ms. Rajapakse's reply, and requesting a status conference. Dkt. No. 89.

1 would give this Court the authority to order the United States Attorney General to take any such  
2 action, the Court DENIES Ms. Rajapakse's motions at Docket 81 and 82.

3 **III. CONCLUSION**

4 For these reasons, Ms. Rajapakse's motions (Dkt. Nos. 32, 59, 61, 64, 78-79, 81-82) are  
5 DENIED. As explained herein, if Ms. Rajapakse wishes to refile her motion for leave to amend  
6 the complaint, she may do so in compliance with Local Civil Rule 15 no later than October 13,  
7 2023.

8 Dated this 29<sup>th</sup> day of September, 2023.

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12 Kimberly K. Evanson  
13 United States District Judge  
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